

FILED IN OPEN COURT

IN THE UNITED STATES COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA

AUG 28 2009

CHARLES R. DIARD, JR.
CLERK

UNITED STATES OF AMERICA

*

*

vs.

*

CRIMINAL NO. 09-00186-WS

JACQUES MONSIEUR

MOTION FOR DETENTION HEARING

The United States moves for pretrial detention of the defendant(s), pursuant to Title 18, United States Code, Section 3142(e) and (f) and/or Title 26 United States Code, Section 5861(d).

1. Eligibility of Case. This case is eligible for a detention order because this case involves (check all that apply):

A. ☐ This is a crime of violence within the meaning of Title 18, United States Code, Section 3156;

B. ☐ This is an offense for which the maximum sentence is life imprisonment or death;

C. ☐ This is a drug offense for which a maximum term of imprisonment of ten years is prescribed.

D. ☐ The above-named defendant(s) has committed a felony after having been convicted of two or more prior offenses described in paragraphs A through C, or two or more state or local offenses that would have been offenses described in paragraphs A through C if a circumstance giving rise to Federal jurisdiction had existed;

E. ☒ There is a serious risk that the above-named defendant(s) will flee;

F. ☐ There is a serious risk that the above-named defendant(s) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

2. Reason for Detention. The court should detain the defendant(s) because there are no conditions or combination of conditions of release which will reasonably assure (check one or both):

A. ☒ The defendant(s)' appearance as required; and/or

B. ☐ The safety of any other person and/or the community.

3. Rebuttable Presumption. The United States will invoke the rebuttable presumption against the defendant pursuant to Title 18, United States Code, Section 3142(e). If yes, the rebuttable presumption arises because (check one or both):

A. ☐ There is probable cause to believe that the defendant committed a drug offense for which a maximum term of imprisonment of ten years or more is prescribed or an offense under Title 18, United States Code, Section 924(c).

B. ☐ The defendant has been convicted of a Federal offense as described in Title 18, United States Code, Section 3142(f)(1), or of a state or local offense that would have been an offense described in the above section if a circumstance giving rise to Federal jurisdiction had existed.

C. ☐ The defendant committed the offense described in paragraph B above while on release pending trial for a Federal, States, or local offense.

D. ☐ A period of not more than five years has elapsed since the date of conviction for offense described in paragraph C above, or the release of the person from imprisonment, whichever is later.

4. Time for Detention Hearing. The United States, by and through the undersigned

Assistant United States Attorney, requests that this court conduct a detention hearing:

A. ___ At first appearance; or

B. x After a continuance of 3 days (not to exceed three days).

5. Other Matters. _____

Dated this 29 day of AUGUST, 2009

Respectfully submitted,

EUGENE SEIDEL
UNITED STATES ATTORNEY

By: Maria Murphy
MARIA E. MURPHY
ASSISTANT UNITED STATES ATTORNEY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Detention Hearing was served upon Arthur Madden attorney for defendant(s) by hand delivery this the day August 2009

By: Maria E. Murphy
Maria E. Murphy
ASSISTANT UNITED STATES ATTORNEY